

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

1	UNITED STATES OF AMERICA,	)	No. CR-10-2003-LRS
2		)	
3	Plaintiff,	)	ORDER GRANTING MOTION AND
4		)	SETTING CONDITIONS
5	v.	)	OF RELEASE
6		)	
7	NOLAN ISADORE CARTER,	)	<input checked="" type="checkbox"/> Motion Granted
8	Defendant.	)	(Ct. Rec. 24)
9		)	
10		)	<input type="checkbox"/> Action Required

Date of Motion hearing: February 1, 2010

Before the Court is Defendant's Motion for Reconsideration/Re-Open Detention Order/Hearing.

The United States informed the Court they did not object to the release of the Defendant under conditions.

**IT IS ORDERED** that the release of the Defendant is subject to the following:

**STANDARD CONDITIONS OF RELEASE**

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement.

(2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct. Defendant shall contact defense counsel at least once a week.

(7) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

#### BOND

(8) Defendant shall:

☐ Execute an unsecured appearance bond in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by \_\_\_\_\_, in the amount of \_\_\_\_\_ dollars (\$\_\_\_\_\_) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute: ☐ \$\_\_\_\_\_ corporate surety bond  
☐ \$\_\_\_\_\_ property bond  
☐ \$\_\_\_\_\_ cash bond  
☐ \$\_\_\_\_\_ percentage bond, with  
\$\_\_\_\_\_ paid in cash

#### ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community,

**IT IS FURTHER ORDERED** that the release of the Defendant is subject to the following additional conditions:

☒ (9) The Defendant shall reside with his parents.

☒ (10) Maintain or actively seek lawful employment.

☐ (11) Maintain or commence an education program.

☐ (12) Surrender any passport to Pretrial Services and does not apply for a new passport.

☒ (13) Defendant shall remain in the:

☒ Eastern District of Washington or ☐ State of Washington

1 while the case is pending. On a showing of necessity, Defendant may  
2 obtain prior written permission to leave this area from the United  
3 States Probation Office.

4 ☐ Exceptions:

5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 ☒ (14) Avoid all contact, direct or indirect, with any persons who  
8 are or who may become a victim or potential witness in the subject  
9 investigation or prosecution, including but not limited to:  
10 \_\_\_\_\_  
11 \_\_\_\_\_

12 ☐ (15) Avoid all contact, direct or indirect, with co-defendants  
13 in this matter.

14 ☐ (16) Undergo medical or psychiatric treatment and/or remain in an  
15 institution as follows:  
16 \_\_\_\_\_

17 ☒ (17) Refrain from: ☐ any ☐ excessive use of alcohol

18 ☐ (18) There shall be no alcohol in the home where Defendant  
19 resides.

20 ☐ (19) There shall be no firearms in the home where Defendant  
21 resides.

22 ☒ (20) Refrain from use or unlawful possession of a narcotic drug  
23 or other controlled substances defined in 21 U.S.C. § 802, or any  
24 mood or mind altering substance unless prescribed by a licensed  
25 medical practitioner.

26 ☐ (21) Except for employment purposes, Defendant shall not have  
27 access to the internet.  
28

☐ (22) Defendant may not be in the presence of minors, unless a responsible adult is present at all times.

**SUBSTANCE ABUSE EVALUATION AND TREATMENT**

If Defendant is required to submit to a substance abuse evaluation, inpatient or outpatient treatment, the following shall apply:

Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of testing, evaluation and treatment, unless the United States Probation Office should determine otherwise. The United States Probation Office shall also determine the time and place of testing and evaluation and the scope of treatment. If Defendant fails in any way to comply or cooperate with the requirements and rules of a treatment program, Pretrial Services shall notify the court and the U.S. Marshal, who will be directed to immediately arrest the Defendant.

Defendant shall participate in one or more of the following treatment programs:

☐ (23) **Substance Abuse Evaluation:** Defendant shall undergo a substance abuse evaluation:

☐ if directed by a U.S. Probation Officer.

☐ as directed by a U.S. Probation Officer.

☐ Prior to release, Defendant must have an appointment for a substance abuse evaluation, and the appointment must be confirmed to the court by Pretrial Services. Defendant will be released:

☐ one day prior to, or ☐ on the morning of his appointment.

☐ (24) **Inpatient Treatment:** Defendant shall participate in an intensive inpatient treatment program.

☐ Prior to release, an available bed and date of entry must be confirmed by Pretrial Services.

☐ Defendant will be released to an agent of the inpatient program on \_\_\_\_\_.

☐ Prior to release from inpatient treatment, an outpatient treatment program must be presented to the court. If Defendant does not have a structured outpatient treatment program in place prior to conclusion of her inpatient treatment, Defendant automatically will go back into the custody of the U.S. Marshal.

☐ Following inpatient treatment, Defendant shall participate in an aftercare program.

☒ (25) **Outpatient Treatment:** Defendant shall participate in intensive outpatient treatment.

☐ Prior to release, an appointment for Defendant's first counseling session must be made and confirmed by Pretrial Services. Defendant will be released:

☐ one day prior to, or ☐ on the morning of his appointment

☒ (26) **Other:** Defendant shall attend a minimum of two sober support groups within the community.

☒ (27) **Prohibited Substance Testing:** If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing. Full mutual releases shall be executed to permit

1 communication between the court, Pretrial Services, and the  
2 treatment vendor. Treatment shall not interfere with Defendant's  
3 court appearances.

4 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

5 ☒ (28) Defendant shall participate in one or more of the following  
6 home confinement program(s):

7 ☐ **Electronic Monitoring.** The Defendant shall participate in a  
8 program of electronically monitored home confinement. The  
9 Defendant shall wear, at all times, an electronic monitoring  
10 device under the supervision of U.S. Probation. In the event the  
11 Defendant does not respond to electronic monitoring or cannot be  
12 found, the U.S. Probation Office shall forthwith notify the  
13 United States Marshals' Service, who shall immediately find,  
14 arrest and detain the Defendant. The Defendant shall pay all or  
15 part of the cost of the program based upon ability to pay as  
16 determined by the U.S. Probation Office.

17 ☐ **GPS Monitoring.** The Defendant shall participate in a program  
18 of GPS confinement. The Defendant shall wear, at all times, a  
19 GPS device under the supervision of U.S. Probation. In the event  
20 the Defendant does not respond to GPS monitoring or cannot be  
21 found, the U.S. Probation Office shall forthwith notify the  
22 United States Marshals' Service, who shall immediately find,  
23 arrest and detain the Defendant. The Defendant shall pay all or  
24 part of the cost of the program based up ability to pay as  
25 determined by the U.S. Probation Office.

26 ☒ **Curfew.** Defendant shall be restricted to his/her residence:

27 ☒ every day from 7:00 p.m. to 7:00 a.m. If Defendant finds  
28 employment and needs to adjust his hours, he may address this issue

1 directly with his U.S. Probation Officer.

2 ☐ as directed by the Pretrial Services Office

3 ☐ **Home detention.** Defendant shall be restricted to his/her  
4 residence at all times except for employment; education,  
5 religious services; medical, substance abuse, or mental health  
6 treatment; attorney visits; court appearances; case-related  
7 matters; court-ordered obligations; or other activities as pre-  
8 approved by the Pretrial Services Office or supervising officer.

9 ☐ Maintain residence at a halfway house or community corrections  
10 center, as deemed necessary by the Pretrial Services Office or  
11 supervising officer.

12  
13 DATED February 1, 2010.

14 s/James P. Hutton  
15 JAMES P. HUTTON  
16 UNITED STATES MAGISTRATE JUDGE  
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